**MEMO ENDORSED**

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NOV 29 2005

November 29, 2005

BY HAND

The Honorable James C. Francis
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007


USDC SDNY
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Re: Drescher v. City of New York et al. (05 CV 7541) (KMK)

Dear Judge Francis:

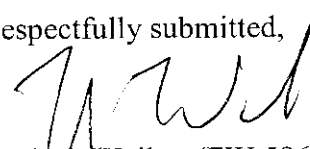
I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for defendants. I write with respect to the above-referenced case, which arises from an arrest and detention during the 2004 Republican National Convention in New York City. Defendants respectfully request an extension of time in which to respond to plaintiff's complaint to January 5, 2006, so that defendants can access the records of plaintiff's underlying criminal action, including police records, sealed pursuant to New York Criminal Procedure Law § 160.50.

Defendants requests this extension because in lieu of executing the 160.50 form this office sent to plaintiff, plaintiff altered the form to include certain provisions that are objectionable to defendants. This office attempted to have plaintiff undo these changes in exchange for a side letter from defendants which would address the confidentiality concerns of plaintiff (i.e., concerns that his arrest records be used outside of this litigation). The parties are currently working to resolve this issue, but in the interim, defendants need extra time to respond to the complaint because they cannot frame an answer without the unsealed records. Pro se plaintiff has agreed to the extension, on the condition that defendants waive any defense of improper service (which defendants do).

Defendants are presently required to respond to the complaint on December 5. We respectfully request that defendants' time to respond to the complaint be extended to and including January 5, 2006, and that Your Honor endorse this letter accordingly. 

Thank you for your consideration in this matter.

Respectfully submitted,


Fred M. Weiler (FW 5864)
Assistant Corporation Counsel

cc: Udo Drescher, Esq.

11/30/05
Application granted.
SO ORDERED.
James C. Francis IV
USMJ